

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LINE CONSTRUCTION BENEFIT FUND,)	
A HEALTH AND WELFARE FUND,)	
)	
	Plaintiff,)
		1:12-CV-1731
)
v.)	Judge Der-Yeghiayan
)	
MMC DIRECTIONAL BORING,)	Magistrate Judge Cole
)	
Defendant.)	

**MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION,
AND FOR ENTRY OF JUDGMENT**

NOW COME the Plaintiffs and moves this Honorable Court to vacate Order of Dismissal entered on May 10, 2012, a copy of which is attached hereto as Plaintiffs' Exhibit "A", and to reinstate Plaintiffs' cause of action instanter, and for entry of judgment against the Defendant.

In support of Plaintiffs' Motion, Plaintiffs state as follows:

- 1) That pursuant to Settlement Agreement and Agreed Order of Dismissal, executed by the parties and filed with the Court on 4/30/2012, a copy of which is attached hereto as Plaintiffs' Exhibit "B", the parties agreed to a dismissal of the pending action.
- 2) That notwithstanding the provisions of the Settlement Agreement, specifically paragraph 1 thereof, the Defendant has failed to remit payments for the months of November 2012, through February 2013, and current contributions for 2012, in the amount of \$8,530.00. See Administrator's Affidavit attached.

WHEREFORE, in accordance with the provisions of the Agreed Order of Dismissal, Exhibit "A", Plaintiffs pray that the Order of Dismissal be vacated instanter, Plaintiffs' cause of action be reinstated, and that judgment enter in favor of Plaintiffs and against the Defendant in the amount of \$49,266.84, as and for the outstanding delinquencies and accrued interest calculated pursuant to the Settlement Agreement, and the amount of the current delinquencies claimed due.

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Dated: March 4, 2013